

REMARKS

Claims 42-60 are pending. Claims 44, 55 and 59 are amended herein. No new matter is added as a result of the amendments.

102 Rejections

Claims 42, 49, 50, 53, 59 and 60 are rejected under 35 U.S.C. §102(e) as being anticipated by Jacobs et al. (US 6,279,056). Applicants have reviewed the Jacobs et al. reference and respectfully submit that the embodiments of the present invention as are set forth in Claims 42, 49, 50, 59 and 60 are neither anticipated nor rendered obvious by Jacobs et al.

The Examiner is respectfully directed to independent Claim 42 which is drawn to a controller for enabling audio files to be played. Claim 42 is reproduced below in its entirety for the convenience of the Examiner.

42. A controller for enabling audio files to be played on a computer subsystem of a computer subsystem of a computer system when said computer system is in an inactive state, said controller comprising:

a switch having a first state and a second state, said switch in said first state decoupling said controller from said computer subsystem, said switch in said second state coupling said controller to said computer subsystem in response to said computer system being in said inactive state; and

a drive interface configured to interface with a drive of said computer subsystem depending on a state of said switch, said drive interface configured to access audio data on said drive when said switch is in said second state.

Claims 49, 50 and 53 depend from independent Claim 42 and set forth additional limitations of embodiments of the claimed invention.

The Examiner is respectfully directed to independent Claim 59 which is drawn to a method of playing audio files. Claim 59 is reproduced below in its entirety for the convenience of the Examiner.

59. A method of playing audio files in a computer system having a computer subsystem, said method comprising:

- detecting when said computer system is in an inactive state; and
- coupling an audio controller to said computer subsystem when said computer system is in said inactive state, said audio controller configured to control access and playing of said audio files on said computer subsystem, wherein said audio controller comprising a switch and a drive interface.

Claim 60 depends from independent Claim 59 and sets forth additional limitations of an embodiment of the claimed invention.

Jacobs et al. does not anticipate or render obvious the embodiments of the invention that are set forth in Claims 42, 49, 50, 53, 59 and 60. Among other reasons, Jacobs et al. does not teach or suggest a controller that includes “a switch having a first state and a second state, said switch in said first state decoupling said controller from said computer subsystem, said switch in said second state coupling said controller to said computer subsystem in response to said computer system being in said inactive state” and “a drive interface...” as is set forth in Claim 42 (from which Claims 49, 50 and 53 depend). Jacobs et al. also do not teach or suggest a method that includes “coupling an audio controller to said computer subsystem when said computer system is in said inactive state, said audio controller configured to control access and playing of

said audio files on said computer subsystem, wherein said audio controller comprising a switch and a drive interface” as is set forth in Claim 59 (from which Claim 60 depends).

It is important to note that as the mechanisms employed for enabling audio files to be displayed in the system of Jacobs et al. and the system set forth in Claims 42 and 59 are distinctly different, the operating characteristics of these mechanisms cannot reasonably be equated. Moreover, Applicants respectfully submit that the passages from Jacobs et al. that are referenced in the outstanding Office Action as teaching the limitations of Claim 42 and 59 do not teach or suggest the recited “a controller comprising a switch and a drive interface.”

Applicants respectfully submit that nowhere in the Jacobs et al. reference is a controller including a switch and a drive interface as is set forth in Claims 42 and 59 taught or suggested. Consequently, Applicants respectfully submit that the rejection of Claims 42 and 59 under 35 U.S.C. §102(e) is improper and should be withdrawn, and that Claims 42 and 59 are in condition for allowance. Accordingly, Applicants respectfully submit that Claims 49, 50 and 53 dependent on Claim 42 and Claim 60 dependent on Claim 59 are likewise in condition for allowance as being dependent of an allowable base claim.

103 Rejections

Claims 43-48, 51, 52 and 54-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobs et al. (US 6,279,056) in view of Lee (US 6,292,440). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as are set forth in Claims 43-48, 51, 52 and 54-58 are neither anticipated nor rendered obvious by Jacobs et al. in view of Lee.

The Examiner is respectfully directed to independent Claim 42 which is drawn to a controller for enabling audio files to be played. Claim 42 is reproduced below in its entirety for the convenience of the Examiner.

42. A controller for enabling audio files to be played on a computer subsystem of a computer subsystem of a computer system when said computer system is in an inactive state, said controller comprising:

a switch having a first state and a second state, said switch in said first state decoupling said controller from said computer subsystem, said switch in said second state coupling said controller to said computer subsystem in response to said computer system being in said inactive state; and

a drive interface configured to interface with a drive of said computer subsystem depending on a state of said switch, said drive interface configured to access audio data on said drive when said switch is in said second state.

Independent Claim 54 contains limitations similar to those contained in Claim 42. Claims 43-48, 51 and 52 and 55-58 depend from independent Claims 42 and 54 respectively and set forth additional limitations of the claimed invention.

Jacobs et al. in view of Lee does not anticipate or render obvious the embodiments of the invention that are set forth in Claim 43-48, 51, 52 and 54-58. The primary reference (Jacobs et al.) does not teach or suggest each of limitation of claims of 43-48, 51, 52 and 54-58, and the secondary reference (Lee) does not or suggest a modification of Jacobs et al. that would remedy the deficiencies of Jacobs et al. Among other reasons, the primary reference (Jacobs et al.) does not teach or suggest a controller that includes “a switch having a first state and a second state, said switch in said first state decoupling said controller from said computer subsystem, said switch in said second state coupling said controller to said computer subsystem in response to

said computer system being in said inactive state” and “a drive interface...” as is set forth in Claim 42 (from which Claims 43-48, 51 and 52 depend; independent Claims 54 contains limitation similar to those contained in Claim 42). And, the secondary reference (Lee) does not teach or suggest these limitations to remedy Jacobs et al.

It is important to note that as the mechanisms employed for enabling audio files to be played in the system of Jacobs et al. and the system that is set forth in Claim 42 are profoundly different, the operation of these mechanisms cannot reasonably be equated. These deficiencies of Jacobs et al. are outlined in the remarks addressing the 102 rejection above.

Moreover, Applicants respectfully submits, as alluded to above, that the secondary reference (Lee) does not teach or suggest a modification of Jacobs et al. that would remedy the deficiencies of Jacobs et al. outlined above. Specifically, Lee does not teach or suggest a controller that includes “a switch having a first state and a second state, said switch in said first state decoupling said controller from said computer subsystem, said switch in said second state coupling said controller to said computer subsystem in response to said computer system being in said inactive state” and “a drive interface...” as is set forth in Claim 42 (from which Claims 43-48, 51 and 52 depend; independent Claim 54 contains limitations similar to those contained in Claim 42).

Lee discloses a MP3 car player including a file type detector, a MP3 file input unit, a peripheral interface unit, a controller unit, a MP3 decoder and a digital/analog converter. It should be appreciated that Lee is concerned with preventing a DC player equipped in a car from discontinuing the playing of a CD as a result of bumpy road conditions, not the internal configuration of the controller. Clearly, Lee does not disclose the a controller that is configured such as is set forth in Claim 42 (from which Claims 43-48, 51 and 52 depend; independent Claim 54 contains limitations similar to those contained in Claim 42).

Applicants respectfully submit that nowhere in the Lee reference is such a controller taught or suggested. Consequently, the embodiments of the claimed invention as are set forth in Claims 43-48, 51 and 52 (which depend from Claim 42) and Claim 54 (which contains limitations similar to those contained in Claim 42) are not anticipated or rendered obvious by Jacobs et al. in view of Lee. Therefore, Applicants respectfully submit that the rejections of Claims 43-48, 51, 52 and 54-58 under 35 U.S.C. §103(a) as being unpatentable over Jacobs et al. in view of Lee are not supportable by the subject matter actually disclosed in these references and should be withdrawn. Accordingly, Applicants respectfully submit that Claims 43-48, 51, 52 and 54-58 are in condition for allowance.

SUMMARY

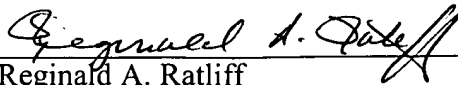
In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the Application and allowance of the pending Claims.

If the Examiner determines the prompt allowance of these Claims could be facilitated by a telephone conference, the Examiner is invited to contact Reginald A. Ratliff at (408) 938-9060.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: 11/17, 2006


Reginald A. Ratliff
Registration No.: 48,098
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060